

Remarks

Claims 7, 12, 15, 18, 19, 22-25, 27, 29-30, 33, 34, 36, 38, 40, 42, 44, 45, 47-55 are pending. Claims 1-6, 8-11, 13, 14, 16, 17, 20-21, 26, 28, 31, 32, 35, 37, 39, 41, 43, 46 are canceled. Claims 7, 12, 15, 18, 19, 22, 23, 25, 27, 29, 30, 36, 38, 40 and 42 -- 53 stand rejected. Claims 24, 33 and 34 were objected to and noted as allowable. Applicants respectfully request reexamination and reconsideration in view of the comments presented below.

A. 35 U.S.C. 103(a) Rejection

Claims 15, 18 -19, 22- 23, 25, 40, 42, 44, 45, 47- 50 stand rejected under 35 U.S.C.103(a) as being unpatentable over Catylators Limited-UK 871,605 (CL) in view of Marui- US 3,832,238. This is a new rejection that has been raised by the examiner. For the reasons set forth below, applicants believe that the claims as amended are Patentable.

Claim 15, 18, 19, 22, 23, 24, 25, 44, 50, and new 54

The examiner notes that reference CL does not teach PTFE on the outside of the container. However, the examiner states that the reference Marui sets forth in column 5, lines and 22 - 23 a container for a battery having container that has a catalyst material, which container may be made water repellent by treatment with silicon, Teflon or paraffin. The Marui reference discloses a container 21 having a bottom portion that is water permeable while the other portions of the container are water repellent. The reference specifically teaches that the sintered materials may be made water repellent by treatment with silicone, Teflon or paraffin. Marui is similar to the CL reference in that the CL reference teaches that the capsule may be coated or impregnated with a water repellent substance such as silicon. The term treatment, as used by the Marui reference, is understood as the subjection of something to the action of an agent or

process, for example the treatment of water supplies to make them safely potable. See, e.g., Websters Third New International Dictionary, 1967. Thus treatment is directed to a process such as coating, impregnation or the like as disclosed in Catylators (page 1, lines 60-63). Marui does not disclose or suggest the placement of a structurally solid material, such as a solid film of Teflon on the container. The examiner further states that “[I]t is inherent in the film of Marui for the thickness and pore size to have been within the range set forth in claims 18 and 19. Nowhere does Marui state that it is a film, let alone a solid film. Marui discloses only a treatment of silicone, PTFE or paraffin, which the present claims do not include. Independent claim 15, as amended, is for a device for recombining gases in a storage battery and includes a gas-permeable hydrophobic solid film encasing the container, and the film comprises PTFE. Accordingly, claim 15, which has been amended to be limited to a solid film of PTFE, is believed patentable.

Claims 18, 19, 22, 23, 25 and 50, depending from claim 15, are likewise believed patentable. Claim 24 has been noted as allowable and is believed to remain patentable.

Claim 44 requires that the film is wrapped around the container. The term wrapped further supports the PTFE being a solid item that is placed on the item, and is not a treatment as disclosed in Marui. Claim 44 is believed patentable for this additional reason.

New claim 55, depending from claim 15, further limits the solid PTFE film to a tape wrapped around the catalyst container. Support for the “tape” is found in the specification on page 18, lines 1-11. A “tape” or PTFE tape wrapped around the container is not disclosed or suggested in the references. This element is missing from the alleged combination of references, and no suggestion for this element is found in the references. Claim 55 is thus believed patentable for this additional reason.

Claims 40, 45 and 52

Independent claim 40 has been amended to require that the means for making all portions of the container that are gas-permeable impermeable to any liquid water while permitting gas to pass through includes a solid form of PTFE wrapped around the container. As discussed above, both CL and Marui disclose a treatment to make the container hydrophobic, and do not disclose or suggest a solid form of PTFE wrapped around the container. Thus claim 40 is believed patentable.

Dependant claim 45 further limits the PTFE to comprising a tape. As discussed above, the references do not teach or suggest such a tape.

Claim 52, depending from claim 40, is believed patentable for similar reasons and due to the additional elements it contains.

Claims 42, 47, 51 and 53

Independent Claim 42 is for a catalyst device and requires a gas-permeable hydrophobic tape attached externally to and surrounding the container in a manner so as to prevent liquid water from passing through the container when the device is combined with the storage battery. A tape is not a treatment, and neither CL nor Marui disclose the tape as claimed. Claim 42 is thus believed patentable.

Claim 47, depending from claim 42, further requires that the tape be PTFE and wrapped around the container. This is not disclosed in the cited references and thus claim 47 is believed patentable for these additional reasons.

Claims 51 and 53, depending from claims 42 and 47 respectively, are likewise believed patentable.

Claims 48, 49 and new 55

Independent claim 48 is for a device for combining gases within a storage battery and includes a gas-permeable liquid water barrier comprising a PTFE tape attached to the container and positioned to prevent liquid water from passing through the container

to the catalyst. As discussed above, neither CL nor Marui disclosed or suggest a PTFE pad attached to the container.

Depending claim 49 further requires that the tape is wrapped around the container and claim 55 further requires that the tape has side ends extending beyond a top and bottom end of the catalyst container which side ends are pressed flat against the ends of the catalyst container to encase the entire container. Support for this element is found on page 18, lines 1-11. There is no teaching or suggestion in the cited references for these elements. Accordingly, claims 48, 49 and 55 are believed patentable for the reasons discussed above period

B. Second 35 U.S.C 103(a) Rejections

Claim 7, 12, 27, 29 – 30, 36, 38 and 51-53 stand rejected on the 35 USC 103(a) is being unpatentable over German – 2904842 in view of both CL and Marui. For the reasons set forth below, applicants believe the claims as amended are patentable.

Claims 7, 12 and 36

Independent claim 7 is for a valve regulated lead acid electric cell that includes a container encased in a gas-permeable hydrophobic solid film comprising PTFE. As discussed above in relation to claim 15, neither CL nor Marui disclose a solid film of PTFE. Regarding claim 36, depending from claim 7, the cited art fails to disclose or suggest a PTFE tape that is wrapped around the catalyst container, as is also discussed above. Accordingly, claims 7 and 36, as well as claim 12 depending from claim 7 are believed patentable.

Claims 27, 29, 30, 33, 34, and 38

Independent claim 27 is for a vent assembly that includes a catalyst container encased in a gas-permeable hydrophobic tape. Neither CL nor Marui discloses or suggests a gas-permeable hydrophobic tape encasing the container. As this element is

missing from the alleged combination and not suggested by the cited art, claim 27 is believed able. Claims 29, 30, 33, and 34, depending from claim 27, are likewise believed patentable.

Depending claim 38 further limits the hydrophobic tape to one that comprises PTFE. As a PTFE tape is not taught or suggested in the cited art, claim 38 is believed patentable for this additional reason.

Claims 51 to 53 were discussed previously and are believed patentable for the reasons discussed above.

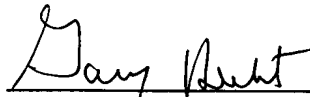
Information Disclosure Statement

An information disclosure statement was submitted on April 25, 2003. The examiner noted that there was no month indicated on the form PTO-A820 for reference AQ (Hydrocap reference). This item is believed to be prior art under 35 USC 102(b).

All claims are now believed allowable. Allowance of claims 7, 12, 15, 18, 19, 22-25, 27, 29, 30, 33, 34, 36, 38, 40, 42, 44, 45, 47-55 is requested.

Respectfully submitted,

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